

IRVINE BASIN SURFACE AND GROUNDWATER IMPROVEMENT ACT OF 2003

OCTOBER 8, 2003.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1598]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1598) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1598, is to amend the Reclamation Wastewater and Groundwater Study and Facilities Act (P.L. 102-575, Title XVI) to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Irvine Ranch Water District (IRWD) provides potable water, sewage collection and treatment, and delivers recycled water through one of the largest recycled water distribution systems in the nation. Located in central Orange County, California, IRWD encompasses approximately 133 square miles and serves the city of Irvine, plus portions of Costa Mesa, Lake Forest, Newport Beach, Orange and Tustin. The District serves a population of 266,000.

Both the groundwater and surface water quality have been impaired within the Basin. One component of the project will involve the placement of wetlands to provide for natural cleaning of surface water flowing through the San Diego Creek Watershed into the

Upper Newport Bay. The other components will treat impaired ground water. The Irvine Desalter would clean brackish ground-water and provide drinking water to the community. The final project would allow for the construction of a regional brine line that would convey brine from local ground water treatment plants and other nearby industrial sources of brine to an existing ocean outfall pump station.

The bill would authorize IRWD to participate in the Title XVI program, a federal funding authority, under the Bureau of Reclamation, designed to assist communities in developing water reuse projects. This legislation would allow for the design and construction of projects treating impaired surface and groundwater within the San Diego Creek Watershed. The estimated total cost of the project is \$77 million, with federal funding comprising \$19.45 million (or a maximum of 25 percent of the total cost of the project, up to \$20 million).

COMMITTEE ACTION

H.R. 1598 was introduced by Congressman Christopher Cox (R-CA) on April 3, 2003. The bill was referred to the Committee on Resources, and within the Committee the Subcommittee on Water and Power. On May 22, 2003, the Subcommittee held a hearing on the bill. On July 17, 2003, the Subcommittee met to mark up the bill. No amendments were offered and bill was then forwarded to the Full Resources Committee by voice vote. On September 24, 2003, the Full Resources Committee met to mark up the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION

Section 1. Short title

This Act may be cited as the “Irvin Basin Surface and Ground-water Improvement Act of 2003”.

Section 2. Project authorization

This section provides the Secretary of the Interior, in cooperation with the Irvin Ranch Water District, California, to participate in the design, planning, and construction of projects to naturally treat impaired surface water, reclaim and reuse impaired ground water, and provide brine disposal within the San Diego Creek Watershed. The Federal share of the costs of the projects authorized by this section shall not exceed 25 percent of the total cost. No federal funds are for the purposes of operation and maintenance of the project.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 6, 2003.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1598, the Irvine Basin Surface and Groundwater Improvement Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Milberg.

Sincerely,

Elizabeth M. Robinson
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 1598—Irvine Basin Surface and Groundwater Improvement Act of 2003

Summary: H.R. 1598 would authorize the Secretary of the Interior, in cooperation with the Irvine Ranch Water District, to participate in the design, planning, and construction of projects to treat surface water, reclaim groundwater, and dispose of brine in the San Diego Creek Watershed. The bill would limit the federal share of all project costs to 25 percent.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1598 would cost \$19 million over the 2004–2008 period. Enacting H.R. 1598 would not affect direct spending or revenues.

H.R. 1598 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Enacting this legislation would benefit local governments, particularly the Irvine Ranch Water District and nearby city and county governments. These governments would incur some costs to match the federal funds authorized by this act, but these costs would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1598 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2004	2005	2006	2007	2008
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	5	5	5	4	0
Estimated outlays	1	3	7	5	3

Basis of estimate: For this estimate, CBO assumes that H.R. 1598 will be enacted early in fiscal year 2004 and that the necessary amounts will be appropriated in each fiscal year. Based on information about the plans for this project from the Bureau of Reclamation, CBO estimates that implementing the bill would cost \$18 million over the next five years.

Intergovernmental and private-sector impact: H.R. 1598 contains no intergovernmental or private-sector mandates as defined in UMRA. Enacting this legislation would benefit local governments, particularly the Irvine Ranch Water District and nearby city and county governments. These governments would incur some costs to match the federal funds authorized by this act, but these costs would be voluntary.

Estimate prepared by: Federal Costs: Rachel Milberg. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Selena Caldera.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in *italic* and existing law in which no change is proposed is shown in *roman*):

**RECLAMATION PROJECTS AUTHORIZATION AND
ADJUSTMENT ACT OF 1992**

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SEC. 2. DEFINITION AND TABLE OF CONTENTS.

For purposes of this Act, the term “Secretary” means the Secretary of the Interior.

TABLE OF CONTENTS

Sec. 1. Short title.

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TITLE XVI—RECLAMATION WASTEWATER AND GROUNDWATER STUDIES

Sec. 1601. Short title.

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1636. Irvine basin groundwater and surface water improvement projects.

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**TITLE XVI—RECLAMATION WASTEWATER AND
GROUNDWATER STUDIES**

SEC. 1601. SHORT TITLE.

This title may be referred to as the “Reclamation Wastewater and Groundwater Study and Facilities Act”.

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SEC. 1636. IRVINE BASIN GROUNDWATER AND SURFACE WATER IMPROVEMENT PROJECTS.

(a) *AUTHORIZATION.*—The Secretary, in cooperation with the Irvine Ranch Water District, California, is authorized to participate in the design, planning, and construction of projects to naturally treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the San Diego Creek Watershed.

(b) *COST SHARE.*—The Federal share of the costs of the projects authorized by this section shall not exceed 25 percent of the total cost.

(c) *LIMITATION.*—The Secretary shall not provide funds for the operation or maintenance of a project authorized by this section.

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